

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1 and 6-18 are pending in the present application, of which claims 1 and 18 are independent.

Acknowledgement of Priority Document Receipt Requested

A certified copy of the priority document was submitted on June 30, 2003. Official acknowledgement of the USPTO's receipt of the certified copy of the priority document in the Office Action mailed April 19, 2007 is hereby noted.

Noted - IDS Considered

The indication that the Information Disclosure Statement (IDS) filed on June 30, 2003 and on October 17, 2007 and references listed therein have been considered is noted with appreciation.

Approval of Drawings Requested

Drawings were submitted on June 30, 2003. To date, no official indication of approval of the drawings has been noted in the prosecution history. The undersigned has no reason to believe that this circumstance implies anything other than a minor oversight on the part of the USPTO. Accordingly, official approval of the drawings is hereby respectfully requested.

Claim Rejections Under 35 U.S.C. §112

Claims 1 and 6-18 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. By the foregoing amendments, the claims have been amended to meet the written description requirement. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 1 and 6-18 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. By the foregoing amendments, the claims have been amended to more particularly point out and distinctly claim their subject matter. Claims 1 and 6-18 are rejected under 35 U.S.C. §112, second paragraph, as omitting an essential elements. By its foregoing amendments, the claims have been amendments to conform to statutory requirements. Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejection Under 35 U.S.C. §103

Claims 1, 6-8, 11-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nakamura et al. (US patent Application Publication 2002/0194367, here after Nakamura) in view of Nakano et al. (US Patent 6,337,850, hereafter Nakano), Pellacuru (US Patent 7,344,125) and what was known in the art (Official Notice or ON).

Claims 9 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nakamura in view of Nakano, Pellacuru and ON as above, and further in view of Tzeng et al. (US 2003/0212814, hereafter Tzeng).

INDEPENDENT CLAIM 1

As an example, independent claim 1 recites the features of “a network address stored in a source address field, which is assigned to be unique in the network on a basis of an identifier of the broadcast type communication data, and control information relating to a relay, a copy and a transfer” and extracting the identifier of the broadcast type communication data and the control information relating to a relay, a copy and a transfer by analyzing the network address stored in the source address field of the received broadcast type communication data”. As will be explained below, at least these features of claim 1 are a distinction over each of Nakamura, Nakano, Pellacuru, Tzeng, and what was known in the art, and thus over their combination.

Nakano includes packet 3701 including source address 3712, command 3721 and stream id 3722, and packet 3801 including source address 3812, command 3821 and stream id 3822. (Figs. 37-38)

However, Nakano fails to disclose each and every one of the features of claim 1. Hence, the noted features of claim 1, namely lack of “a network address stored in a source address field, which is assigned to be unique in the network on a basis of an identifier of the broadcast type communication data, and control information relating to a relay, a copy and a transfer” and

extracting the identifier of the broadcast type communication data and the control information relating to a relay, a copy and a transfer by analyzing the network address stored in the source address field of the received broadcast type communication data”, is a distinction over Nakano.

Regarding Nakamura, Nakamura fails to disclose each and every one of the features of claim 1. Hence, the noted features of claim 1, namely lack of “a network address stored in a source address field, which is assigned to be unique in the network on a basis of an identifier of the broadcast type communication data, and control information relating to a relay, a copy and a transfer” and extracting the identifier of the broadcast type communication data and the control information relating to a relay, a copy and a transfer by analyzing the network address stored in the source address field of the received broadcast type communication data”, is a distinction over Nakamura.

Regarding Pellacuru, Pellacuru fails to disclose each and every one of the features of claim 1. Hence, the noted features of claim 1, namely lack of “a network address stored in a source address field, which is assigned to be unique in the network on a basis of an identifier of the broadcast type communication data, and control information relating to a relay, a copy and a transfer” and extracting the identifier of the broadcast type communication data and the control information relating to a relay, a copy and a transfer by analyzing the network address stored in the source address field of the received broadcast type communication data”, is a distinction over Pellacuru.

Tzeng also fails to teach or suggest either of these features.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinctions of claim 1 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 1. Claims 6-8 and 11-17 ultimately depend from claim 1, respectively, and so at least similarly distinguish over the asserted combination of references.

In view of the foregoing discussion, the rejection of claims 1 and 6-17 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

INDEPENDENT CLAIM 18

As an example, independent claim 18 recites the features of “a network address stored in a source address field, which is assigned to be unique in the network on a basis of an identifier of the broadcast type communication data, and control information relating to a relay, a copy and a transfer” and extracting the identifier of the broadcast type communication data and the control information relating to a relay, a copy and a transfer by analyzing the network address stored in the source address field of the received broadcast type communication data”. As will be explained below, at least these features of claim 18 are a distinction over each of Nakamura, Nakano, Pellacuru, and what was known in the art, and thus over their combination.

Nakano states packet 3701 including source address 3712, command 3721 and stream id 3722, and packet 3801 including source address 3812, command 3821 and stream id 3822. (Fig. 37-38)

However Nakano fails to disclose each and every one of the features of claim 18. Hence, the noted features of claim 18, namely lack of “a network address stored in a source address field, which is assigned to be unique in the network on a basis of an identifier of the broadcast type communication data, and control information relating to a relay, a copy and a transfer” and extracting the identifier of the broadcast type communication data and the control information relating to a relay, a copy and a transfer by analyzing the network address stored in the source address field of the received broadcast type communication data”, is a distinction over Nakano.

Regarding Nakamura, Nakamura fails to disclose each and every one of the features of claim 18. Hence, the noted features of claim 18, namely lack of “a network address stored in a source address field, which is assigned to be unique in the network on a basis of an identifier of the broadcast type communication data, and control information relating to a relay, a copy and a transfer” and extracting the identifier of the broadcast type communication data and the control information relating to a relay, a copy and a transfer by analyzing the network address stored in the source address field of the received broadcast type communication data”, is a distinction over Nakamura.

Regarding Pellacuru, Pellacuru fails to disclose each and every one of the features of claim 18. Hence, the noted features of claim 18, namely lack of “a network address stored in a source address field, which is assigned to be unique in the network on a basis of an identifier of the broadcast type communication data, and control information relating to a relay, a copy and a transfer” and extracting the identifier of the broadcast type communication data and the control

information relating to a relay, a copy and a transfer by analyzing the network address stored in the source address field of the received broadcast type communication data", is a distinction over Pellacuru.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 18 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 18.

In view of the foregoing discussion, the rejection of claim 18 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,
STAAS & HALSEY LLP

/Mehdi D. Sheikerz/

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